

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOHN W. McQUEEN,

Plaintiff,

vs.

Civil Action 2:12-CV-166  
Judge Smith  
Magistrate Judge King

T. PYLES, et al.,

Defendants.

ORDER

On September 18, 2012, the United States Magistrate Judge recommended that defendant Pyles' motion to dismiss be granted, that the claims against defendant Pyles be dismissed with prejudice and that the claims against defendant R. Waugh be dismissed without prejudice. *Report and Recommendation*, Doc. No. 31. Although the parties were advised of their right to object to that recommendation and of the consequences of their failure to do so, there has ben no objection.

The *Report and Recommendation*, Doc. No. 31, is **ADOPTED AND AFFIRMED**. Defendant Pyles' motion to dismiss, Doc. No. 20, is **GRANTED**. The claims against defendant Pyles are **DISMISSED with prejudice**; the claims against defendant R. Waugh, who has not been served with process, are **DISMISSED without prejudice**.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT** accordingly.

s/George C. Smith  
George C. Smith, Judge  
United States District Court